

Jan 08, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KATHLEEN R.,¹

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

No. 4:19-CV-5163-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On January 8, 2020, the parties filed a Stipulated Motion for Remand. ECF No. 15. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings before an administrative law judge (ALJ) for a de novo hearing and a new decision as to Plaintiff Kathleen R.'s application for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act. As part of this de novo hearing on remand, the

¹ To protect the privacy of the social-security Plaintiff, the Court refers to her by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

1 ALJ is to take further action to complete the administrative record, including
2 allowing Plaintiff the opportunities to submit additional evidence and for a
3 hearing, and obtaining supplemental evidence from a vocational expert and
4 clarifying any conflicts between the testimony of the vocational expert and the
5 *Dictionary of Occupational Titles*. The parties also agree that Plaintiff is entitled
6 to reasonable attorney fees and costs under the Equal Access to Justice Act, 28
7 U.S.C. § 2412(d), upon proper request to the Court.

9 Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

- 10 1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is
11 **GRANTED**.
- 12 2. Judgment shall be entered for **Plaintiff**.
- 13 3. This matter is **REVERSED** and **REMANDED** to the Commissioner
14 of Social Security for further administrative proceedings pursuant to
15 sentence four of 42 U.S.C. § 405(g). On remand, the ALJ is to 1) allow
16 Plaintiff the opportunities to submit additional evidence and for a
17 hearing; 2) reconsider the step-four determination, including
18 obtaining supplemental evidence from a vocational expert and
19 clarifying any conflicts between the testimony of the vocational
20 expert and the *Dictionary of Occupational Titles*, and, if necessary,
21 make a finding at step five; and 3) as necessary, reconsider steps one
22 through three of the disability determination process, Plaintiff's RFC,
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1 step four, and step five (if necessary). The ALJ is to then issue a new
2 decision as to Plaintiff's applications.

3 4. All pending motions are **DENIED AS MOOT**.

4 5. All hearings and deadlines are **STRICKEN**.

5 6. If filed, the Court will consider Plaintiff's motion for fees and
6 expenses under the Equal Access to Justice Act.

7 7. The Clerk's Office is directed to **CLOSE** this file.

8 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
9 and provide copies to all counsel.

10 **DATED** this 8th day of January 2020.

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13 s/Edward F. Shea
14 EDWARD F. SHEA
15 Senior United States District Judge
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